

AMENDED IN ASSEMBLY FEBRUARY 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 184**

**Introduced by Assembly Member Lowenthal**

January 27, 2003

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An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 184, as amended, Lowenthal. Department of Motor Vehicles: records.

Under existing law, any registration or driver's license record of a person may be suppressed from any other person, except as specified, if the person requesting the suppression submits verification acceptable to the Department of Motor Vehicles that he or she has reasonable cause to believe that he or she is the subject of stalking, or that there exists a threat of death or great bodily injury to his or her person involving domestic violence.

This bill would include program participants (victims of domestic violence and stalking) under the Secretary of State's confidentiality program within the category of persons entitled to have their registration or driver's license record suppressed from other persons, except as specified, if those persons request the suppression and submit to the department a program participant certificate or identification card issued by the Secretary of State. Because an unlawful disclosure of these records would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.21 of the Vehicle Code is amended  
2 to read:

3 1808.21. (a) Any residence address in any record of the  
4 department is confidential and shall not be disclosed to any person,  
5 except a court, law enforcement agency, or other government  
6 agency, or as authorized in Section 1808.22 or 1808.23.

7 (b) Release of any mailing address or part thereof in any record  
8 of the department may be restricted to a release for purposes  
9 related to the reasons for which the information was collected,  
10 including, but not limited to, the assessment of driver risk, or  
11 ownership of vehicles or vessels. This restriction does not apply  
12 to a release to a court, a law enforcement agency, or other  
13 governmental agency, or a person who has been issued a requester  
14 code pursuant to Section 1810.2.

15 (c) Any person providing the department with a mailing  
16 address shall declare, under penalty of perjury, that the mailing  
17 address is a valid, existing, and accurate mailing address and shall  
18 consent to receive service of process pursuant to subdivision (b)  
19 of Section 415.20, subdivision (a) of Section 415.30, and Section  
20 416.90 of the Code of Civil Procedure at the mailing address.

21 (d) (1) Any registration or driver's license record of a person  
22 may be suppressed from any other person, except those persons  
23 specified in subdivision (a), if the person requesting the  
24 suppression submits either of the following:

25 (A) A certificate or identification card issued to the person as  
26 a program participant by the Secretary of State pursuant to Chapter  
27 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the  
28 Government Code.



(B) Verification acceptable to the department that he or she has reasonable cause to believe either of the following:

(i) That he or she is the subject of stalking, as specified in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.

(ii) That there exists a threat of death or great bodily injury to his or her person, as defined in Section 12022.7 of the Penal Code.

(2) Upon suppression of a record, each request for information about that record shall be authorized by the subject of the record or verified as legitimate by other investigative means by the department before the information is released.

(e) (1) Suppression of a record pursuant to a verification under subparagraph (B) of paragraph (1) of subdivision (d) shall occur for one year after approval by the department. Not less than 60 days prior to the date the suppression of the record would otherwise expire, the department shall notify the subject of the record of its impending expiration. The suppression may be continued for two additional periods of one year each if a letter is submitted to the department stating that the person continues to have a reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury as described in subparagraph (B) of paragraph (1) of subdivision (d). The suppression may be additionally continued at the end of the second one-year period by submitting verification acceptable to the department. The notification described in this subdivision shall instruct the person of the method to reapply for record suppression.

(2) *Paragraph (1) does not apply to the suppression of a record made in accordance with the submission of a certificate or identification card under subparagraph (A) of paragraph (1) of subdivision (d).*

(f) For the purposes of subdivisions (d) and (e), “verification acceptable to the department” means recent police reports, court documentation, or other documentation from a law enforcement agency.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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